

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
STAT

LEGISLATIVE LIAISON

85-0343

FROM:

EXTENSION

NO.

STAT
Deputy Chief, Information & Privacy Div

DATE

7 February 1985

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

STAT
1. OLL
7B14 HQ

RECEIVED

FORWARDED

4/12 DP

Your coordination is requested for the attached annual FOIA report to Congress. May we have your reply by 15 February?

STAT

4.

5.

Attachment

STAT
DC/IPD
1107 AMES

7.

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To 6: OLL, with one exception, concurs in the draft FOIA report to Congress. I would suggest that the last paragraph be modified to make clear that a separate report detailing the steps we are taking to improve responsiveness to FOIA requesters will be forthcoming in April. This will avoid possible confusion over whether this report is intended to satisfy the report requirements of the CIA Information Act. I have attached a revised version of the last paragraph of the FOIA report that incorporates the points stated above.

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Addendum to FOIA Report:

With passage of the CIA Information Act, our main concern about FOIA--namely its effect on our intelligence collection effort--has been alleviated. We believe that there will also be a beneficial result for our requesters in that manpower formerly devoted to reviewing files no longer subject to FOIA search can now be used to reduce our backlog and provide faster response on newer requests. Our manpower input will be monitored to insure that there will be no reduction in our efforts until our backlog has reached manageable proportions. The Agency has in fact committed itself to not reducing its budgetary and personnel allocation for FOIA activities for the next two years. Additional steps to improve CIA responsiveness will be included in semi-annual reports to Congress. These reports, which are required by the CIA Information Act, will also include statistics on the average response time for completing the processing of request during the period covered by the report. The first of these reports will be provided to the Congress in mid-April. Even though we expect our response time to improve considerably as a result of enactment of the CIA Information Act, we will still be unable, as in past years, to meet the response time requirements imposed by the FOIA.

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Next 9 Page(s) In Document Denied

CENTRAL INTELLIGENCE AGENCY**32 CFR Part 1900****Public Access to Documents and
Records and Declassification
Requests****AGENCY:** Central Intelligence Agency**ACTION:** Final rule**EFFECTIVE DATE:** November 13, 1980**§ 1900.25 Fees for records services.**

(a) Search and duplication fees shall be charged according to the schedule set forth in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that a waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Thus, the Coordinator shall determine the existence and extent of any identifiable benefit which would result from furnishing the requested information and he shall consider the following factors in making this determination:

(1) The public or private character of the information sought.

(2) The private interest of the requester.

(3) The numbers of the public to be benefited.

(4) The significance of the benefit to the public.

(5) The usefulness of the information to the public, and

(6) The quantity of similar or duplicative information already in the public domain. In no case will the assessment of fees be utilized as an obstacle to the disclosure of the requested information. The Coordinator may also waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than \$6. Denials of requests for fee waivers may be appealed by writing to the Executive Secretary of the Information Review Committee, via the Coordinator.

(b) In order to protect the requester and the Agency from large, unexpected fees, when it is anticipated that the charges will amount to more than \$25, the processing of the request shall be suspended until the requester indicates his willingness to pay. The requester shall be notified and asked for his commitment to pay all reasonable search and duplication fees. At his option, the requester may indicate in advance a dollar limitation to the fees. In such an event, the Coordinator shall initiate a search of the system or systems of records deemed most likely to produce relevant records, instructing the system managers to discontinue the search as soon as the stipulated amount has been expended. Where an advance limit has not been stipulated the Coordinator may, at his discretion or at the behest of the requester, compile an estimate of the search fees likely to be incurred in processing a request, or of such portion thereof as can readily be estimated. The requester shall be promptly notified of the amount and be asked to approve its expenditure. In those cases where the Coordinator estimates that the fees will be substantial, an advance deposit of 50 percent of the estimated fees will be required; in those cases where there is reasonable evidence that the requester may possibly fail to pay the fees which would be accrued by processing his request, an advance deposit of 100 percent of the estimated fees will be required. The notice or request for an advance deposit shall extend an offer to the requester whereby he is afforded an opportunity to revise the request in a manner calculated to reduce the fees. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

(1) For each one quarter hour, or fraction thereof, spent by clerical personnel in searching for a record, \$1.50.

(2) For each one quarter hour, or fraction thereof, spent by professional personnel in searching for a record, \$3.50.

(3) For each on-line computer search, \$11.00.

(4) For each off-line (batch) computer search of Central Reference files, \$27.00.

(5) For all other off-line computer searches of Agency files, \$8.00 per minute of Central Processing Unit (CPU) time.

(6) For copies of paper documents in sizes not larger than 8½ × 14 inches, \$0.10 per copy of each page.

(7) For duplication of non-paper media (film, magnetic tape, etc.) or any document that cannot be reproduced on a standard office copier, actual direct cost, and

(8) For extra copies of reports, maps, reference aids, and other Agency publications, actual cost.

(d) Inasmuch as the Agency's systems of records are highly decentralized, several computer searches may be required to process a request, depending upon its scope. The computer search costs given in paragraph (c) of this section, do not include whatever professional clerical search time is needed to determine whether the records located are in fact responsive to the request.

(e) Search fees are assessable even when no records pertinent to the requests, or no releasable records are found, provided the requester has been advised of this fact and he has, notwithstanding, agreed to incur the costs of search.

(f) For requests which have accrued substantial search and duplication fees, or for requests for records which have been previously released, or where there is reasonable evidence that the requester may possibly fail to pay the accrued fees, then, at the discretion of the Coordinator, the requester may be required to pay the accrued search and duplication fees prior to the actual delivery of the requested records; otherwise, the requester shall be billed for such fees at the time that the records are provided. Payment shall be remitted by check or money order, made payable to the Treasurer of the United States, and shall be sent to the Coordinator. No appeals or additional requests shall be accepted for processing until the requester has paid all outstanding charges for services rendered under this part.